IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
NOTICE OF MOTION NO.4 OF 2007
IN
(PIL) WRIT PETITION NO.2037 of 2005

Advanced Local Management (ALM)
& ors. .. .. Petitioners
v/s.
Municipal Corporation of Greater
Bombay & ors. .. .. Respondents

Mr.Raju Z. Moray i/by Mr.V.S.Talkute for petitioners.

Mr.K.G.Munshi i/by M/s.A.R.Vaidya & Co. for applicants.

Mr.K.K.Singhvi, Sr.Advocate for B.M.C.

CORAM : H.L. GOKHALE, ACTING C.J. &
V.M. KANADE, J.

DATED : 28th February 2007

P.C. :

1. Heard the learned Counsel for the parties.

2. This Motion prays that the interim order passed by this Court on 17th August 2006 be vacated which is prayer clause (c). Prayer (a) is to join the applicant-Company in the Writ Petition as the respondent.

3. Mr.Moray appearing for the petitioners has no objection to the applicant joining in the Petition.

4. As far as prayer (a) is concerned, the same is accordingly granted. This will be at the cost of the applicant. The petitioners will carry out the amendment within two weeks. The added respondent may file its reply, if it so deemed fit.

5. As far as prayer (c) of the Motion is concerned, the order passed on 17th August 2006 restrains the Municipal Corporation from issuing an Occupancy Certificate to the building concerned.

6. Mr.Moray appearing for the petitioners very fairly states that the building having come up, he leaves it to the Court to pass appropriate orders. He states that the main controversy is with respect to the appropriate width of the road where the concerned building is coming up. In his submission, when gaothan properties are developed in high rise buildings the buildings have to appropriately go behind and as per the Development Control Regulations, appropriate width has to be increased. Mr.Munshi appearing for the applicant submits that the same has taken place in the present case. However, in any case, the Petition

having been admitted, this aspect will be gone into when the main Petition is heard finally.

7. As of now, in view of the fair approach of Mr.Moray, we permit the Municipal Corporation to issue an Occupancy Certificate to the building concerned. However, this Occupancy Certificate will have to be issued as per the requirements of the D.C. Regulations.

8. Motion disposed of with the above order.

(ACTING C.J.)

(V.M. KANADE, J.)